

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
JANUARY 3, 2005
(RESCHEDULED FROM 12/22/2004 AND FIRST MEETING FOR 2005)**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Monday, January 3, 2005, in the Council Chambers of City Hall located at 610 Main Street. This meeting was the first meeting of the council for the year 2005. This meeting was also in lieu of the December 22, 2004 regular meeting that was cancelled due to inclement weather.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Renee Kabrick	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. All seven of the members were in attendance; therefore, there was a quorum for the meeting.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. November 17, 2004 regular monthly common council meeting.
2. November 17, 2004 6:50 p.m. public hearing (tabled) concerning the petition of B & J Rentals and Daniel J. & Kimberly R. Ackerman to vacate a portion of Portersville Road.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Bradley Seger to approve both sets of minutes. Motion carried 7-0.

Reorganization – Council Appointments

Mayor Schmitt advised that appointments need to be made to the various city boards and commissions and that State Law prescribes such an organizational meeting. City Attorney Sandra Hemmerlein then read the Indiana Code requiring legislative bodies to meet on the first Monday in the New Year after an election.

Mayor Schmitt asked the Councilmembers to select a Councilmember for a one-year term as president pro tempore.

a. Pro Tempore – 1 Year Term

A motion was made by Councilmember Ambrose Schitter and seconded by Councilmember Bradley Seger to appoint Thomas Schmidt Pro Tempore in the absence of the Mayor. The motion was unanimously approved 7-0.

b. Utility Sub-Committees

Mayor Schmitt asked the Councilmembers if they wished to keep the utility sub-committee members the same for 2005 as 2004. Sub-Committee members in 2004 were:

Raymond Howard	Utility Gas Sub-Committee	1 year
Ambrose Schitter	Utility Electric Sub-Committee	1 year
John Schroeder	Utility Waste Water Sub-Com.	1 year
Bradley Seger	Utility Water Sub-Committee	1 year

A **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Renee Kabrick to approve the Utility Sub-Committee Councilmembers as listed above. **Motion** passed 7-0.

c. Utility Service Board

Councilmember Thomas Schmidt recommended the following Council appointments:

Mike Harder	Utility Service Board	4 years
Alex Emmons	Utility Service Board	2 years
(Complete Dennis Hasenour's term)		

A **motion** was made by Thomas Schmidt and seconded by Councilmember Ambrose Schitter to approve the City Council Appointments as listed above. **Motion** passed 7-0.

d. Jasper Plan Commission

Mayor Schmitt read a letter from Councilmember Thomas Schmidt resigning from the Jasper Plan Commission. Councilmember Thomas Schmidt served on the Commission for eleven years.

Councilmember Thomas Schmidt recommended Councilmember Ambrose Schitter serve on the Jasper Plan Commission for the remainder of Schmidt's term, which is three years.

A **motion** was made by Thomas Schmidt and seconded by Councilmember Bradley Seger to appoint Councilmember Ambrose Schitter to a three-year term to the Jasper Plan Commission. **Motion** passed 7-0.

Mayoral Appointments

Mayor Schmitt announced that the following persons had accepted Mayoral appointments.

Al Schuler	Alcoholic Beverage Commission	1 year
Renee Kabrick	Indiana 15 Regional Planning Com.	1 year
Myra Schuetter	Arts Commission	4 years
Sylvia Metzger	Arts Commission	4 years
Renee Kabrick	Dubois County Solid Waste	1 year
Marilyn Clements	Dubois County Tourism	2 years
Brenda Kunkel	Hospital Authority	4 years
Bernita Berger	Jasper Park Board	4 years
Jim Schroeder	Jasper Plan Commission	4 years
Bob Wright	Jasper Plan Commission	4 years
Dave Seger	Storm Water Management Board	4 years
Mike Schwenk	Utility Service Board	4 years
Greg Krodel	Utility Service Board	4 years
Victor Knies	Jasper Partnership Commission	3 years
Robert Steffe	Jasper Partnership Commission	3 years
James Blessinger	Board of Zoning Appeals	4 years
Jerry Uebelhor	Board of Zoning Appeals	4 years

Welcome. Mayor Schmitt welcomed “Herald” reporter Jason Ragan. Mr. Ragan will be covering the City of Jasper public meetings.

Utility Service Board. Utility Service Board Chairman Ken Sendelweck presented a report of the regular monthly meeting held on December 20, 2004. Copies of the minutes were supplied to each council member. Chairman Sendelweck presented a picture of the water tower located along Newton Street, which will be repainted this year. There followed some discussion about the “Welcome to Jasper” emblem proposed for the tower.

Boy Scout. Ross Miller, Boy Scout with Troop 180, was present. Miller is working on his “Citizenship in the Community” merit badge and an economic project for school.

ROJAC Agreement. City Attorney Sandy Hemmerlein reported that Redevelop Old Jasper Action Coalition, Inc. (ROJAC) was awarded a \$900,000.00 Transportation Enhancement Grant from the Indiana Department of Transportation and the Federal Highway Administration through the City of Jasper for the building of the Eckert Mill Welcome Center. She said the grant requires a 20% match. Hemmerlein stated that it is a requirement of the Transportation Enhancement Grant, received by ROJAC, that the City of Jasper, as the Local Public Agency, financially administer the Grant. Hemmerlein presented and explained the proposed third party agreement with Redevelop Old Jasper Action Coalition (ROJAC). The Agreement is needed in order for certain expenses ROJAC has already paid to apply towards the 20% match.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Renee Kabrick to approve the Agreement with Redevelop Old Jasper Action Coalition, Inc. **Motion** passed 7-0.

Gas Contractor's License. Mayor Schmitt presented an application for a Gas Contractor's License from Thomas E. Blessinger, 1618 Mill Street, Jasper. The applicant scored 90% on the test and is employed by Blessinger Plumbing and Heating, Inc.

A **motion** was made by Councilmember John Schroeder and seconded by Councilmember Ambrose Schitter to approve the application for a Gas Contractor's License submitted by Thomas E. Blessinger. Motion passed 7-0.

Comment. Mayor Schmitt reported that the business address given by the applicant is not zoned commercial. The matter has been brought to the Building Commissioner's attention to have Blessinger apply for a variance.

Gas Contractor's License. Mayor Schmitt presented an application for a Gas Contractor's License from Phil Schmidt, 3274 Dogwood Drive, Jasper. The applicant scored 94% on the test and is employed by Schmidt Contracting Inc. Councilmember Thomas Schmidt recused himself because he has a financial interest in the business of the applicant.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Raymond Howard to approve the application for a Gas Contractor's License submitted by Phil Schmidt. Motion passed 6-0.

Ordinance No. 2004-58 AN ORDINANCE VACATING A PUBLIC ALLEY (Bohnert's Addition)

Ordinance No. 2004-58 vacates an alley located at 340 W. 6th Street (former Jasper Middle School).

Upon motion by Councilmember Bradley Seger seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Ambrose Schitter seconded by Councilmember Bradley Seger and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Raymond Howard, seconded by Councilmember John Schroeder it was moved to pass and adopt Ordinance No. 2004-58. The measure passed 7-0.

Rezoning Proposal/Ordinance No. 2004-59. Mayor Schmitt sought consideration of Kimball International Inc.'s proposal to rezone property located along 30th Street between Brosmer Street and Newton Street from 1-2 (Heavy Industrial) to B-1 (Business District).

Thereafter, a **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Thomas Schmidt to accept the proposal to rezone property located along 30th Street between Brosmer Street and Newton Street

from I-2 (Heavy Industrial) to B-1 (Business District) and adopt the ordinance for said property. Motion carried 7-0.

Mayor Schmitt stated that the ordinance would be referenced Ordinance No. 2004-59.

Ordinance No. 2004-60 AN ORDINANCE VACATING A PUBLIC STREET AND RETAINING A PUBLIC UTILITY AND DRAINAGE EASEMENT ON THE SAME PROPERTY

Ordinance No. 2004-60 vacates a portion of Portersville Road, south of 36th Street.

Upon motion by Councilmember Bradley Seger seconded by Councilmember Renee Kabrick and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick seconded by Councilmember Randall Buchta and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Raymond Howard it was moved to pass and adopt Ordinance No. 2004-60. The measure passed 7-0.

Ordinance No. 2004-61 AN ORDINANCE AMENDING ORDINANCE NO. 805 ENTITLED “AN ORDINANCE CREATING THE JASPER COMMUNITY ARTS COMMISSION”

Ordinance No. 2004-61 officially creates the Arts Department.

Upon motion by Councilmember Renee Kabrick seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Ambrose Schitter seconded by Councilmember John Schroeder and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Bradley Seger it was moved to pass and adopt Ordinance No. 2004-61. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein explained that the original ordinance needed clarification.

Ordinance No. 2004-62 AN ORDINANCE ESTABLISHING A “ROJAC FUND”

Ordinance No. 2004-62 establishes the ROJAC Fund in order to financially administer the grant for the ROJAC project.

Upon motion by Councilmember Ambrose Schitter seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick seconded by Councilmember Bradley Seger and unanimously approved,

it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Bradley Seger it was moved to pass and adopt Ordinance No. 2004-62. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein stated the fund was needed as a means to track funding for the Transportation Enhancement Grant and the 20% match for ROJAC's Eckert Mill project, which will be administered by the City of Jasper..

Ordinance No. 2004-63 AN ORDINANCE VACATING A PUBLIC STREET AND PUBLIC UTILITY AND DRAINAGE EASEMENTS (Raphyl Road)

Ordinance No. 2004-62 vacates Raphyl Road and a public utility and drainage easement located in the Ackerman Commercial Park subdivision.

Upon motion by Councilmember Renee Kabrick seconded by Councilmember Raymond Howard and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember John Schroeder, seconded by Councilmember Ambrose Schitter it was moved to pass and adopt Ordinance No. 2004-63. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein stated that she would record the ordinance after an agreement regarding the costs for relocating the electric lines has been signed by the developer.

Ordinance No. 2004-64 AN ORDINANCE REGARDING THE JASPER VOLUNTEER FIRE DEPARTMENT

Ordinance No. 2004-64 officially creates the Jasper Volunteer Fire Department and certain requirements.

Upon motion by Councilmember Raymond Howard seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Thomas Schmidt seconded by Councilmember Randall Buchta and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Raymond Howard it was moved to pass and adopt Ordinance No. 2004-64. The measure passed 7-0.

Ordinance No. 2004-65 AN ORDINANCE SETTING FORTH WASTEWATER PRETREATMENT REQUIREMENTS FOR USERS OF THE CITY OF JASPER'S WASTEWATER TREATMENT WORKS

Ordinance No. 2004-65 establishes wastewater pretreatment requirement changes.

Upon motion by Councilmember Thomas Schmidt seconded by Councilmember Randall Buchta and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Ambrose Schitter seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger, seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2004-65. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein explained that the ordinance needed to be updated to be in compliance with EPA requirements. Counselor Hemmerlein stated that the allowable pH level discharged into public sewers is now 12.0, modified from 10.0. Also, the ordinance deletes pollutants from the list that no longer need to be tested for.

Ordinance No. 2004-66 AN ORDINANCE AMENDING ORDINANCE NO. 557, ENTITLED “AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE CITY OF JASPER, INDIANA, AND PROVIDING PENALTIES FOR VIOLATION THEREOF”

Upon motion by Councilmember Ambrose Schitter seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger, seconded by Councilmember Ambrose Schitter it was moved to pass and adopt Ordinance No. 2004-66. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein explained the changes were in conjunction with the change made to Ordinance No. 2004-65.

Ordinance No. 2004-67 AN ORDINANCE AMENDING ORDINANCE NO. 1988-36, ENTITLED “AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE CITY OF JASPER, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF”

Ordinance No. 2004-67 changes any waters or wastes having pH in excess of 12.0 instead of 10.0.

Upon motion by Councilmember Thomas Schmidt seconded by Councilmember Raymond Howard and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember John

Schroeder seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Bradley Seger it was moved to pass and adopt Ordinance No. 2004-67. The measure passed 7-0.

During discussion, City Attorney Sandra Hemmerlein explained the changes were in conjunction with Ordinance No. 2004-65.

Economic Development Commission. Mayor Schmitt announced that two more applicants had been interviewed for directorship.

Speed Limit. Mayor Schmitt reported that a company has been contracted to undertake a traffic study regarding adjusting speed limits.

Highway 231 Corridor. Mayor Schmitt stated that Indiana Department of Transportation would be announcing the choice for the Highway 231 corridor on January 4, 2005.

Insurance Update. Mayor Schmitt reported that health insurance costs would increase by 2% in 2005 due to additional employees and one minor change has been made to the policy.

Website. Councilmember Raymond Howard announced that the City of Jasper Website is scheduled for launch on January 6, 2005.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Ambrose Schitter to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 8:04 p.m.

**William J. Schmitt, Mayor
Presiding Officer**

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary